

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SAMUEL WILLIAM DONAGHE,

Plaintiff,

v.

Dr. HENRY RICHARDS *et al.*,

Defendants.

Case No. C07-5440RBL

REPORT AND  
RECOMMENDATION

**NOTED FOR:  
October 19, 2007**

This 42 U.S.C. § 1983 action, raising claims under the American with a Disabilities Act, has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. The action originally listed four separate plaintiffs. This action will proceed only as to Mr. Donaghe's claims. The other plaintiff's have been instructed to file separate actions. Mr. Donaghe has been ordered to file a second amended complaint that contains only claims germane to him. This Report and Recommendation addresses Mr. Donaghe's motion for *in forma pauperis* status.

Mr. Donaghe states he does not have employment "under the normal definition of

1 employment.” (Dkt. # 1). He does not state he has no stream of income and does not disclose how  
2 much money he makes monthly from his non traditional employment. His application does reflect a  
3 saving balance of \$750 Dollars (Dkt # 1).

4 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
5 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has  
6 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314  
7 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

8 Based on the above, the Court should deny plaintiff’s application to proceed *in forma pauperis*.  
9 Plaintiff has not shown that is unable to pay the full filing fee to proceed with his lawsuit. Mr. Donaghe  
10 has more than enough funds in savings to pay the full filing fee. The court should direct Mr. Donaghe to  
11 pay the filing within 30 days of the court’s order and if he fails to pay the filing fee the clerk should be  
12 directed to dismiss this matter.

13 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,  
14 the parties shall have ten (10) days from service of this Report to file written objections. *See also*  
15 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of  
16 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule  
17 72(b), the clerk is directed to set the matter for consideration on **October 19, 2007**, as noted in the  
18 caption.

19  
20 DATED this 10 day of September, 2007.

21  
22 /S/ J. Kelley Arnold  
23 J. Kelley Arnold  
24 United States Magistrate Judge  
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